



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,253	01/22/2002	John E. Rode	0545024	3708

7590 02/12/2003

Nicholas Mesiti
Victor A. Cardona
Heslin Rothenberg Farley & Mesiti P.C.
5 Columbia Circle
Albany, NY 12203

EXAMINER

NGUYEN, XUAN LAN T

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 02/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/054,253	RODE, JOHN E.
	Examiner Lan Nguyen	Art Unit 3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 02 December 2002.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 10-12, 15, 18-23, 26 and 27 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 13, 14, 16, 17, 24, 25 and 28-32 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 22 January 2002 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

- 4) Interview Summary (PTO-413) Paper No(s) _____
- 5) Notice of Informal Patent Application (PTO-1449) Paper No(s) _____
- 6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Species C in Paper No. 4 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Drawings

2. The Examiner urges the Applicant to provide drawings wherein the numeral references are typed instead of hand-written. Also, the notes "1/17, Rode, Docket No. 0545.024" need to be removed from each sheet of drawing.

Claim Objections

3. Claim 17 is objected to because of the following informalities: it is believed that claim 17 is intended to depend on claim 16, not 15. For the purpose of examining, the Examiner is treating claim 17 as depending on claim 16. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-6, 8, 9, 13, 14, 16, 17, 24, 25 and 28-32 are rejected under 35 U.S.C. 102(b) as being anticipated by Teeri.

Re: claim 1, Teeri shows an adjustable disc spring system as in the present invention, comprising: at least one beveled disc spring 1 axially aligned with an adjustable spacer 3; wherein spacer 3 is compressible, see column 2, lines 57-60.

Re: claims 2-4, Teeri shows an entrapping flange comprises one curved surface concave to said disc spring and a curved compressible portion between said at least one entrapping flange on spacer 3 that is the mirror image of 7 on spacer 2.

Re: claims 5 and 6, Teeri discloses an offset as a tapered portion to receive at least one entrapping flange in column 2, lines 22-25.

Re: claims 8 and 9, as shown in the figures.

Re: claims 13 and 14, as shown in the figures.

Re: claim 16, Teeri shows an adjustable disc spring system as in the present invention, comprising: a plurality of beveled disc springs 1 axially aligned with an adjustable spacer 3; wherein spacer 3 is compressible, see column 2, lines 57-60.

Re: claim 17, Teeri shows a plurality of entrapping flanges to receive a plurality of disc springs.

Re: claims 24 and 25, as shown in the figures.

Re: claims 28-32, Teeri shows a method of adjusting a disc spring system comprising: axially aligning at least one beveled disc spring 1 with a spacer 3 by

inserting said disc spring into an entrapping flange wherein said disc is a Belleville washer; compressing the spacer 3 in column 2, lines 22-25.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Teeri in view of Brecht.

Teeri's adjustable disc spring system, as rejected above in claim 1, lacks an axially protruding tip on said disc spring. Brecht teaches in figure 4, axially protruding tips 31 on a disc spring 1 as a way to secure two adjacent disc springs. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Teeri's disc spring system to have included axially protruding tips as taught by Brecht as a way to secure two adjacent disc springs without an extra retaining ring in order to save cost and time of installation.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Belleville, Baumann et al., Thompson, Eickmann and Buck show various other spring systems.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347. The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

XLN

XLN
January 27, 2003

